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Supreme Court, U. S.
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CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

October Term, 1946

No. 255

THE CHESAPEAKE AND OHIO RAILWAY COMPANY, THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, and PERE MARQUETTE RAILWAY COMPANY, *Appellants*,

v.

THE UNITED STATES OF AMERICA, THE PULLMAN COMPANY, PULLMAN-STANDARD CAR MANUFACTURING COMPANY, PULLMAN, INCORPORATED, *et al.*

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

PETITION FOR REHEARING.

ROBERT J. BULKLEY,
520 Bulkley Building,
Cleveland 15, Ohio.

FRANK J. MEISTRELL,
2 Wall Street,
New York 5, N. Y.

HERBERT G. PULLEN,
522 Munsey Bldg.,
Washington 4, D. C.

Attorneys for The Chesapeake and Ohio Railway Company, The New York, Chicago and St. Louis Railroad Company, and Pere Marquette Railway Company.

April 25, 1947.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

PETITION FOR REHEARING OF THE CHESAPEAKE AND OHIO RAILWAY COMPANY, THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, AND PERE MARQUETTE RAILWAY COMPANY.

Petition for rehearing and for a reconsideration of the Per Curiam decision of this Court, without opinion, dated March 31, 1947, is respectfully presented for the following reasons:

As shown in the petition for rehearing filed by the United States in the companion case, No. 253, October Term, 1946, the affirmance by this Court, without opinion, of the Order of the District Court approves a sale of The Pullman Company to the Railroad Buying Group without any attempt to determine whether a sale to another available purchaser would have better carried out the purpose of the antitrust

laws. It opens the way to a new monopolization of the sleeping car business. The duties of the District Court with respect to these questions need to be clarified by this Court.

As shown in the petition for rehearing filed by Otis & Co. in No. 254, October Term, 1946, injunctions and continuing jurisdiction were relied upon by the District Court to prevent possible evil effects of the acquisition of the Pullman monopoly by the Railroad Buying Group including among other things the possibility of unfair discrimination by the dominating railroads against smaller railroads. The failure of this Court to render an opinion herein leaves in doubt the question of whether all antitrust jurisdiction of all courts in this case may be extinguished by an Order of the Interstate Commerce Commission.

The uncertainties thus left open are detrimental to the interests of these appellants. It is therefore respectfully urged that this petition for rehearing be granted.

CERTIFICATE.

We, the undersigned attorneys for the petitioners above named, certify that the foregoing petition for a rehearing is presented in good faith and not for delay.

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ROBERT J. BULKLEY,

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FRANK J. MEISTRELL,

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HERBERT G. PILLEN,

Attorneys for Petitioners.